

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Criminal Action No. 04-CR-00364 (JG)

- against -

Hon. John Gleeson (J.)

JOHN SURGENT,

NOTICE OF MOTION

Defendant.

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PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law and all prior pleadings and proceedings herein, non-party Regina Surgent will move this Court, on the 20th day of December, 2005, at 10:00 in the forenoon, or as soon thereafter as counsel can be heard, for an Order pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, (1) vacating the *Ex Parte* Restraining Order dated August 25, 2005, or, in the alternative, (2) modifying said Order to permit the release of Ms. Surgent's 106,000 shares of Safeguard Security Holdings, Inc., with costs, together with such other and further relief as this Court deems just and proper.

Dated: New York, New York
December 6, 2005

Respectfully submitted,
LAW OFFICES OF STEVEN L. KESSLER

By: Steven L. Kessler

Steven L. Kessler (SK-0426)
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TO: Clerk of the Court

AUSA Kathleen A. Nandan
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